

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

TIMOTHY WADE JONES,

Plaintiff,

v.

Civil Action No. 2:07cv6

**DR. J. HAMMOND, DR. J. TENNANT,
DR. T. WARREN, DR. BRANSON,
KIMBERLY WHITE, AL HAYNES,
HARRELL WATTS, A. GERBER,**

Defendants.

ORDER

It will be recalled that on June 16, 2008, Magistrate Judge Kaull filed a Report and Recommendation on Plaintiff's Motion for Default Judgment, wherein the Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On June 24, 2008, Plaintiff filed a pleading entitled Reasons for my Opposition to my Case being Dismissed, which pleading was docketed as objections to Judge Kaull's June 16, 2008 Report and Recommendation. However, upon review of the pleading, it appears to the Court that said filing was intended to be Plaintiff's response to the Magistrate Judge's May 29, 2008 Roseboro Notice informing Plaintiff that he had 30 days to file any opposition to Defendants' Motion to Dismiss or for Summary Judgment. Accordingly, it does not appear that the Plaintiff has filed any objections to the June 16, 2008 Report and Recommendation.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Plaintiff in his Motion for Default Judgment, filed on

February 8, 2008, were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole. Accordingly, it is

ORDERED that the Plaintiff's Motion for Default Judgment (Docket #47) shall be, and the same hereby is, **DENIED**. It is further

ORDERED that Plaintiff's pleading of June 24, 2008 (Docket #75) shall be docketed as a Response to Defendants' Motion to Dismiss or For Summary Judgment.

The Clerk of the Court is directed to transmit a copy of this Order to all parties appearing herein.

ENTER: July 22, 2008

/s/ Robert E. Maxwell
United States District Judge